

Delegated Report

Planning Ref: 23/00391/FUL

Applicant: Miss Peggy Lee

Ward: Burbage, Sketchley & Stretton

Site: Apex House, 2 Watling Drive, Burbage

**Proposal: Installation of solar panel on roof of existing building,
provision of a solar PV carport and heat pumps**



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application proposes the installation of solar panels on the roof of the existing building, the provision of a solar PV carport and heat pumps contained within a wooden fenced area.

3. Description of the site and surrounding area

- 3.1. The application site, which serves 'Everyone Active', is a large office building located within an area which contains similar building styles and uses alongside various industrial units. The site benefits from a large car park which surrounds the main building. The site is bound by industrial and office buildings on three sides and the A5 (Watling Street) to the rear. The site has existing boundary treatments to the rear, consists of mature hedgerow and trees.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and neighbour letters.
- 5.2. No comments have been received.

6. Consultation

- 6.1. LCC Highways: No material impact on highways, therefore no comments to make.
- 6.2. HBBC Drainage: No objections.
- 6.3. HBBC Waste Management: No objections.
- 6.4. HBBC Pollution: No objections.
- 6.5. Burbage Parish Council: No objections.
- 6.6. National Highways: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. The NPPF identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. Of particular relevance is policy DM2 of the SADMP which outlines the Borough Council's commitment to reducing its environment impact, including through the support of appropriately designed and sited renewable energy. Policy 2 states that planning applications for the development of renewable energy at domestic, community and commercial scales will be supported where all reasonable steps have been taken to avoid or mitigate adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts and the proposed development accords with other policies of the plan. In principle the provision of renewable energy is supported, assessment of the other matters is carried out below.

Design and impact upon the character of the area

8.5. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.6. The proposed roof solar panels are located on the rear and side elevation of the existing buildings roof and as such are not highly visible from public vantage points. The proposed solar car port would be located close to the site entrance from Watling Drive and would be visible from the street scene. Given the industrial nature of the sites location, it is not considered that the proposed car port would have

significant detrimental impacts upon the character of the area with regard to scale, design and materials.

- 8.7. Finally the proposed CAHV Enclosure, would be located to the rear of the existing building and would not be highly visible from the street scene. The enclosure proposes to use wood and is not considered to cause negative impacts upon the character of the area and is considered acceptable in design terms.
- 8.8. The proposed solar panels, solar car port and CAHV enclosure would not be out of character with the existing unit and wider industrial units located within the area in terms of its scale, design and visual appearance. Therefore it is considered that the proposal is in accordance with Policy DM10 and DM2 of the SADMP.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.10. The development site is bordered by the A5 (Watling Street) and similar sites with buildings serving as offices or industrial units. The addition of the solar panels, solar car port and CAHV enclosure and units is not expected to cause any impacts upon the adjoining buildings in terms of overshadowing, overlooking, overbearing impacts or loss of light, nor in terms of noise or glare. The site is also not located within close proximity to residential development. As such it is considered that the proposals are in accordance with Policy DM10 and DM2 of the SADMP.

Impact upon highway safety

- 8.11. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.12. County and National Highways have been consulted as part of this application and have confirmed that the proposals would have no impact upon the highway with regard to highway safety or parking provision. The applicant has provided details of the sites allocated parking provision and this further confirms that there are no impacts through this proposal.
- 8.13. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. **Conclusion**

10.1. The proposal seeks to install solar panels on the existing buildings, erect a solar car port and erect an enclosure for the CAHV units. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings and provision of renewable energy within the Borough.

10.2. It is considered that the proposed development would be in accordance with Policies DM2, DM10, DM17 and DM18 of the adopted SADMP.

11. **Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Roof Plan Drg No. 02204 Rev P3
Proposed CAHV Enclosure Drg No. 31002 Rev P4
Proposed Solar Car Port Drg No. 31001 Rev P3
Proposed Elevations North & West Drg No. 04202 Rev P3
Proposed Elevations South & East Drg No. 04201 Rev P3
Proposed Site Plan Drg No. 02201 Rev P4
Proposed Block Plan Drg No. 01202 Rev P3
Design and Access Statement

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.